

SB 888

THE STATE SENATE  
Monday, February 23, 2009

Senate Bill No. 888  
As Amended

SENATE BILL NO. 888 - By: Coffee of the Senate and Benge of the House.

[ motor vehicles - motor license agents - appointment procedures - effective date - emergency ]

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 47 O.S. 2001, Section 1140, as last amended by Section 1, Chapter 383, O.S.L. 2008 (47 O.S. Supp. 2008, Section 1140), is amended to read as follows:

Section 1140. A. ~~In municipalities having a population in excess of eight thousand five hundred (8,500) located in a county having a population in excess of one hundred thirty thousand (130,000), according to the latest Federal Decennial Census, the~~ The Oklahoma Tax Commission shall adopt rules prescribing minimum qualifications and requirements for locating motor license agencies and for persons applying for appointment as a motor license agent; provided, after the effective date of this act such qualifications and requirements shall apply to agents in all areas of this state.

Such qualifications and requirements shall include, but not be limited to, the following:

- 1. Necessary job skills and experience;

- 1        2. Minimum office hours;
- 2        3. Provision for sufficient staffing, equipment, office space  
3 and parking to provide maximum efficiency and maximum convenience to  
4 the public;
- 5        4. Obtainment of a faithful performance surety bond as provided  
6 for by law;
- 7        5. A requirement that operation of a motor license agency be  
8 the primary source of income for said agent;
- 9        6. That the applicant has not been convicted of a felony and  
10 that no felony charges are pending against the applicant;
- 11       7. That a complete financial statement be submitted by the  
12 applicant on forms provided by the Tax Commission;
- 13       8. That a report of the applicant's credit history be obtained  
14 through the appropriate credit bureau; and
- 15       9. That the location specified in the application for  
16 appointment as a motor license agent not be owned by a member of the  
17 Oklahoma Legislature or any person related to a member of the  
18 Oklahoma Legislature within the third degree by consanguinity or  
19 affinity and that the location not be within a three-mile radius of  
20 an existing motor license agency unless the applicant is assuming  
21 the location of an operating agency. The Tax Commission may, at its  
22 discretion, approve the relocation of an existing agency within a  
23 three-mile radius of another existing agency only if a naturally

1 intervening geographic barrier within that radius causes the  
2 locations to be separated by not less than three (3) miles of  
3 roadway by the most direct route.

4 After the necessary information has been forwarded to the Tax  
5 Commission, each applicant shall be interviewed by the Tax  
6 Commission or its designees and each item of information shall be  
7 reviewed.

8 ~~The qualifications and requirements specified in this subsection~~  
9 ~~shall apply only to persons making application to be appointed as~~  
10 ~~motor license agents on or after June 25, 1987.~~

11 Any person making application to the Tax Commission for the  
12 purpose of becoming a motor license agent shall pay when submitting  
13 the application, a nonrefundable application fee of One Hundred  
14 Dollars (\$100.00). All such application fees shall be deposited in  
15 the Oklahoma Tax Commission Revolving Fund.

16 Upon application by a person to serve as a motor license agent,  
17 in such counties, the Tax Commission shall make a determination  
18 whether such person and such location meets the qualifications and  
19 requirements prescribed herein and, if such be the case, shall  
20 appoint such person to serve as a motor license agent.

21 A motor license agent, appointed pursuant to this subsection  
22 shall be permitted to operate a motor license agency at a single  
23 location and shall be prohibited from operating subagencies or

1 branch agencies, unless such subagencies or branch agencies were  
2 established prior to June 1, 1985.

3 Unless otherwise specifically provided, motor license agents  
4 appointed pursuant to this subsection shall be subject to all laws  
5 relating to motor license agents and shall be subject to removal at  
6 the will of the Tax Commission.

7 B. ~~In~~ Before the effective date of this act, in all other  
8 counties of this state having a population of less than one hundred  
9 thirty thousand (130,000) and in municipalities having a population  
10 of less than eight thousand five hundred (8,500) located in a county  
11 having a population in excess of one hundred thirty thousand  
12 (130,000), according to the latest Federal Decennial Census, the Tax  
13 Commission shall appoint as many motor license agents as it deems  
14 necessary to carry out the provisions of the Motor Vehicle License  
15 and Registration Act. Provided, that in counties with a population  
16 in excess of twenty-five thousand (25,000) persons, according to the  
17 latest Federal Decennial Census, having only one motor license agent  
18 serving the county, the Tax Commission shall establish at least one  
19 additional agency to serve the county. Any motor license agent  
20 appointed pursuant to this subsection before the effective date of  
21 this act may continue to serve until such agent vacates the position  
22 by reason of resignation, removal, death or otherwise.

1       ~~Such~~ All motor license agents shall be self-employed independent  
2 contractors, and ~~all agents~~ shall be under the supervision of the  
3 Tax Commission; provided, any agent authorized to issue  
4 registrations pursuant to the International Registration Plan shall  
5 also be under the supervision of the Corporation Commission, subject  
6 to rules promulgated by the Corporation Commission pursuant to the  
7 provisions of subsection E of Section 1166 of this title. Any such  
8 agent, upon being appointed, shall furnish and file with the Tax  
9 Commission a bond in such amount as may be fixed by the Tax  
10 Commission. Such agent shall be removable at the will of the Tax  
11 Commission. Such agent shall perform all duties and do such things  
12 in the administration of the laws of this state as shall be enjoined  
13 upon and required by the Tax Commission or the Corporation  
14 Commission. Provided, the Tax Commission may operate a motor  
15 license agency in any county where a vacancy occurs.

16       C. In the event of a vacancy existing by reason of resignation,  
17 removal, death or otherwise, in the position of any motor license  
18 agent, the Tax Commission is hereby empowered and authorized to take  
19 any and all actions it deems appropriate in order to provide for the  
20 orderly transition and for the maintenance of operations of the  
21 motor license agency including but not limited to the designation of  
22 one of its regular employees to serve as "acting agent" without  
23 bond, and to receive and expend all fees or charges authorized or

1 provided by law and exercise the same powers and authority as a  
2 regularly appointed motor license agent. An acting agent may be  
3 authorized by the Tax Commission equally as the preceding agent to  
4 make disbursements from any balances in the preceding motor license  
5 agent's operating account and the agent's operating funds for the  
6 payment of expenses of operations and salaries and other overhead.  
7 If such funds are insufficient, the Tax Commission is authorized to  
8 expend from funds appropriated for the operation of the Tax  
9 Commission such amounts as are necessary to maintain and continue  
10 the operation of any such motor license agency until a successor  
11 agent is appointed and qualified. The Tax Commission may require a  
12 blanket fiduciary bond of the agency employees.

13 D. Any motor license agency operated by a motor license agent  
14 who has been charged with a felony shall be closed immediately. The  
15 State Auditor and Inspector shall immediately conduct an audit of  
16 such motor license agency and forward the report of the audit to the  
17 Tax Commission for review. The Tax Commission shall determine  
18 whether the motor license agency shall be reopened and operated by  
19 the motor license agent or whether the agency shall be reopened and  
20 operated by the Tax Commission. The review of the audit and the Tax  
21 Commission determination shall be effected as soon as possible to  
22 prevent additional inconvenience to the public.

1           E. When an application for registration is made with the Tax  
2 Commission, Corporation Commission or a motor license agent, a  
3 registration fee of One Dollar and seventy-five cents (\$1.75) shall  
4 be collected for each license plate or decal issued. Such fees  
5 shall be in addition to the registration fees on motor vehicles and  
6 when an application for registration is made to the motor license  
7 agent such motor license agent shall retain a fee as provided in  
8 Section 1141.1 of this title. When the fee is paid by a person  
9 making application directly with the Tax Commission or Corporation  
10 Commission, as applicable, the registration fees shall be in the  
11 same amount as provided for motor license agents and the fee  
12 provided by Section 1141.1 of this title shall be deposited in the  
13 Oklahoma Tax Commission Revolving Fund or as provided in Section  
14 1167 of this title, as applicable. The Tax Commission shall prepare  
15 schedules of registration fees and charges for titles which shall  
16 include the fees for such agents and all fees and charges paid by a  
17 person shall be listed separately on the application and  
18 registration and totaled on the application and registration. The  
19 motor license agents shall charge only such fees as are specifically  
20 provided for by law, and all such authorized fees shall be posted in  
21 such a manner that any person shall have notice of all fees that are  
22 imposed by law.

1 F. No person shall be appointed as a motor license agent unless  
2 the person has attested under oath that the person is not related by  
3 affinity or consanguinity within the third degree to:

4 1. Any member of the Oklahoma Legislature;

5 2. Any person who has served as a member of the Oklahoma  
6 Legislature within the two-year period preceding the date of  
7 appointment as motor license agent; or

8 3. Any employee of the Tax Commission.

9 G. Any motor license agent appointed under the provisions of  
10 this title shall be responsible for all costs incurred by the Tax  
11 Commission when relocating an existing motor license agency. The  
12 Tax Commission may waive payment of such costs in case of unforeseen  
13 business or emergency conditions beyond the control of the agent.

14 SECTION 2. This act shall become effective July 1, 2009.

15 SECTION 3. It being immediately necessary for the preservation  
16 of the public peace, health and safety, an emergency is hereby  
17 declared to exist, by reason whereof this act shall take effect and  
18 be in full force from and after its passage and approval.

19 COMMITTEE REPORT BY: COMMITTEE ON FINANCE, dated 2-17-09 - DO PASS,  
20 As Amended and Coauthored.